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MEXICO.

IMPORTANT OFFICIAL DOCUMENTS.

TERM OF OFFICE OF PRESIDENT JUAREZ.

EXTRAORDINARY POWERS CONFERRED
BY CONGRESS.

UNEXAMPLED VOTES OF CONFIDENCE.

FOUR SUCCESSIVE SESSIONS OF CONGRESS ENDORSE
THE PRESIDENT.

In the first election under the Constitution of 1857, Benito Juarez was elected President of the Supreme Court of Justice of Mexico and became, by virtue of that office, Vice President of the Republic.

In January, 1858, a military rebellion, instigated by the Church party, broke out in the city of Mexico and drove the Constitutional authorities from the capital. Comonfort, the newly elected Constitutional President, fled from the country. Under the Constitution, in the absence or in default of President, that office devolved upon the Vice President, Benito Juarez. He proved to be a faithful and an able man. Proceeding to the city of Queretaro he immediately issued a proclamation reorganizing the government, and commenced to raise forces to put down the rebellion and re-establish the supremacy of the Constitution and the Laws.

It was an arduous and seemed to many a hopeless task. Almost without means, with all the influence of the Church and the Army against him, he had to fall back and establish the

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seat of government, successively, at Guanajuato, Guadalajara, and finally at Vera Cruz. There on the 6th of April, 1859, while the capital was still in the hands of the rebels, he was acknowledged by the United States as the lawful ruler of Mexico, and diplomatic relations were established with him, which have continued unbroken to the present time.

Well did the very first acts of President Juarez justify the confidence which induced his recognition. Embarrassed as he was by the rebellion, he neglected not the cause of Constitutional Liberty. In July, 1859, at Vera Cruz, he promulgated what are known as the "Laws of Reform," which secure religious Liberty, establish independence between Church and State, legalize civil marriage, declare the immense real estate of the Clergy to be national property, and direct its sale, and also suppress conventual establishments throughout the land.

Three years of stubborn struggle and persistent effort followed. The power of a trained Army and the wealth of a Clergy fighting for their temporal possessions on one side; the industrious masses, poor but determined, and having unbounded faith in their leader, on the other. After a long succession of varied fortune the bloody battle of San Miguel Calpulalpan, in which, on the 22d of December, 1860, half of the army of the rebellion was captured, together with forty pieces of artillery and all their munitions of war, sealed the triumph of the constitutional cause, and on the 11th of January, 1861, President Juarez and the constitutional authorities re-entered the capital whence they had been driven just three years before.

On the same day President Juarez issued a proclamation calling an election of members of Congress and of Presidential electors, in accordance with the provisions of the Constitution.

At that time there was not a foreign soldier on the Mexican soil; throughout the whole country the rebellion had terminated and tranquillity prevailed; everything favored a free and unbiased election. The election was held and the result was the choice, by an overwhelming majority, on June 11, 1861, of Benito Juarez as President of the Republic for the ensuing term. One of the people, sprung from the ranks of the people and of the native Mexican race; the proven pa-

triot, the public servant of thirty years trial, and now the saviour of the Constitution, no other choice was possible.

Since then, foreign intervention—that last resort of defeated faction—has supervened; and all the world knows how Benito Juarez, for more than four years past, has held aloft the flag of the Republic, and with what constancy, perseverance and devoted patriotism he has maintained the cause of Constitutional Liberty and of the independence of his native land.

During this period no elections could be held, and the renewed choice of President, at the expiration of the constitutional period, has necessarily had to be postponed until the expulsion of the foreign invaders shall permit a free election to be held.

It is under these circumstances that, by virtue of the authority conferred by the following laws, the term of President Juarez has been extended.

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DECREES OF CONGRESS, GRANTING EXTRAORDINARY POWERS.

SYNOPSIS OF DOCUMENTS.

1. Law of Congress of December 11, 1861. First grant of powers. Page 5.
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5. Articles of the Constitution authorizing Congress to confer extraordinary powers. Page 10.
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9. Decree of President Juarez extending his term of office, the war with France having prevented an election being held at the regular period. Page 14.

LAW OF DECEMBER 11, 1861.

DEPARTMENT OF GOVERNMENT.

The Citizen Constitutional President of the Republic has been pleased to address to me the following Decree :

Benito Juarez, Constitutional President of the United Mexican States, to the inhabitants of the same maketh known : That the Congress of the Union has thought proper to decree the following :—

ARTICLE 1. The law of the 7th of June of the present year which suspended certain of the guarantees stipulated in the Constitution, is hereby declared to be in force, and the provisions of the same are hereby extended so as to include the suspension also of the guarantees contained in articles 11 and 27, in their first part.

ART. 2. The Executive is hereby fully authorized and empowered to take such steps and adopt such measures as in his judgment may be necessary under the existing circumstances, without other restrictions than that of saving the independence and integrity of the national territory, the form of government established by the constitution and the principles and laws of reform.

ART. 3. This suspension of guarantees, and the authorization conceded to the Executive by the present law, shall continue until thirty days after the next meeting of Congress, to whom account shall be given of the use that may have been made of these powers.

Dated in the Hall of Sessions of the Congress of the Union in Mexico, December 11, 1861.

VICENTE RIVA PALACIO,

President of Congress.

JUAN M. GUZMAN, M. M. OVANDO,

Secretaries.

Wherefore I order that it be printed, published, circulated and observed.

NATIONAL PALACE OF MEXICO, Dec. 11, 1861.

BENITO JUAREZ.

To the Citizen FRANCISCO J. VILLALOBOS, Chief Clerk in charge of the Department of Government.

And I communicate the same to you for your intelligence and the consequent ends.

Liberty and reform :—MEXICO, Dec. 11, 1861.

FRANCISCO J. VILLALOBOS.

To the CITIZEN GOVERNOR of the Federal District.

Extract from the speech of the President of Congress at the close of the sessions of that body, on the 15th of December, 1861, after conferring the foregoing extraordinary powers upon the Executive :—

“By a decree, Congress, before closing its sessions, has authorized the Executive, in the most ample manner, to dictate all measures that he may deem necessary, under the present circumstances, to confront the situation, saving only the national independence and integrity of territory, and the principles of the Constitution and of the Reform. By this, the greatest proof of confidence that a legislative assembly of the country has ever given to the depository of the executive power, Congress confides to this power the salvation of the Republic, because it is convinced that in moments so supreme energy and efficiency depend almost always upon unity of action ; and this idea is found also in our fundamental code in the part which authorizes Congress to concede to the Executive extraordinary powers. Incalculable is the weight which will rest upon the shoulders of the Executive. Terrible is the responsibility which from this day forward he is about to assume upon himself alone ; but also immense are the resources which are placed at his control, and unlimited the faculties which have been given him, The sole consideration of the necessity of saving the country decided Congress to take this step. Upon the Executive it now depends, and upon no other, to save the republic or precipitate it in the abyss. The National Assembly suspends to-day its legislative labors ; but it will remain always on the watch as the sentinel of the public liberties, and ready to return to meet again at the moment when its presence shall be in any manner necessary for the good of the country. It will then receive from the

Executive an account of this power which to-day it delivers into his hands with so blind a confidence. If the foreign question is not settled pacifically ; if a scene of war is to be spread out over our country, we will enter into the combat; and the justice of our cause and the love of our country, will present more or less near, but always certain and beautiful, a future for Mexico. God guard the republic."

The following is an explanatory article adopted in secret session of Congress, on the 13th of December as appears by proceedings afterwards published by order of Congress.

"Account was given of a communication from the Department of Foreign Relations, accompanying an initiative that it might be declared precisely whether in the faculties conceded to the Executive by the law of the 11th instant, was that of concluding treaties with foreign governments and placing them in force. It was ordered to be passed to the committee which had already reported on the subject. The rules were dispensed with and the following article was adopted by a vote of 60 against 41, viz :

ARTICLE 1. In consequence and resulting from the discussion and adoption of article two of the law of the 11th inst., the government is authorised to conclude treaties and conventions and to place the same in course of execution, without the necessity of the approbation of Congress."

Law of Congress of 7th June, 1861, referred to in the law of December 11, 1861 :—

DEPARTMENT OF FOREIGN RELATIONS }
AND OF GOVERNMENT. }

His Excellency, the President *ad interim* of the Republic, has been pleased to address to me the following decree :—

The citizen Benito Juarez, Constitutional President *ad interim* of the United Mexican States, to the inhabitants of the

same maketh known: That the sovereign Congress of the Union has thought proper to decree the following :

ARTICLE 1. The first part of article five, section first, title one of the Constitution shall remain in these terms :—In case of national public interest, every individual may be obliged to lend personal service, a just remuneration always being rendered.

ART. 2. The guarantee conceded by article seven of the same title and section is hereby suspended. The liberty of the press shall be subject, for the present, to the law of the 28th December, 1855, in so far as it is not opposed to the laws of Reform ; but with respect to writings which directly or indirectly attack the national independence and institutions, public order, or the prestige of the public authorities, the government may anticipate judicial sentence, imposing upon the authors of such publications, a fine not exceeding one thousand dollars, which shall be exacted from the owner of the press, in case the author is unknown or has not the means to satisfy it. The government may, in place of a pecuniary fine, impose that of imprisonment or confinement for six months. The Governors of the States can impose similar penalties ; but, in case of confinement, they shall give account to the general government, that it may designate the place, the offender meanwhile remaining properly secured. The members of the Congress of the Union shall be subject the same as other citizens, to the prescriptions of this article.

ART. 3. For the exercise of the guarantee conceded by article nine, in political affairs, the permission of the authorities shall be required.

ART. 4. The Governors of the States and of the federal district, and the political chiefs of the Territories shall immediately issue regulations with regard to the carrying of arms, and shall designate what are prohibited, and the requisites for the use of those that are permitted—under the understanding that in no case shall this be made the pretext for the imposition of any pecuniary charge. In this sense the guarantee conceded by article ten shall remain restricted.

ART. 5. The guarantees referred to in the first part of article thirteen, that conceded in the second part of article

eighteen, and in the first and second part of article nineteen, are hereby suspended.

ART. 6. The first part of article 16 is restricted in these terms:—No one may be molested in his person, house or possessions, except by virtue of the order of a competent authority.

ART. 7. The guarantee conceded in article 21, with respect to political offences, is hereby suspended. The general government alone in case of political offences, can impose correctional penalties not exceeding one year of seclusion, confinement or banishment. These penalties shall only be applied in cases where the offenders shall not have been submitted to the judicial authority.

ART. 8. From the moment of taking part, with arms in hand, in favor of whatever political opinion, the offence ceases to be merely political, and becomes merged in those of criminal law.

ART. 9. The second part of article 26 is hereby limited in these terms:—In time of war, the military authorities may exact transportation, quarters and personal service in the terms directed by the ordinances of war.

ART. 10. The suspension of these guarantees shall continue for the term of six months.

ART. 11. The law of the 6th of December, 1856, with reference to conspirators, is hereby declared to have been and to be in force.

Dated in the Hall of Sessions of the Congress of the Union in Mexico, the 7th of June, 1861.

FRANCISCO DE P. CENDEJAS,

Vice President of Congress.

E. ROBLES GIL and G. VALLE,

Secretaries.

Wherefore, and with the accord of the Council of Ministers, I order that it be printed, published, circulated and observed.

Dated at the National Palace of Mexico, the 7th of June, 1861.

BENITO JUAREZ.

To the Citizen LEON GUZMAN, Minister of Foreign Relations and of Government.

And I communicate the same to you for your intelligence and the consequent ends.

God and Liberty—MEXICO, *June 7, 1861.*

GUZMAN.

To the CITIZEN GOVERNOR of Federal District.

The articles of the constitution relating to the suspension of guarantees and the grant of extraordinary powers by Congress to the Executive are as follows: (See Constitution of Mexico. Diplomatic Correspondence on Mexican Affairs for 1861, p. 140, title 1, section 1.)

ART. 29. In case of invasion, grave disturbance of the public peace, or whatever cause which may put society in great peril or conflict, solely the President of the Republic, in concurrence with the Council of Ministers, and with the approbation of the Congress of the Union, and in the recess of this the permanent deputation, may suspend the guarantees established by this Constitution, with the exception of those that assure the life of man; but such suspension shall be only for limited time, by means of general provisions, and of such a character as not to favor a determined individual purpose. If the suspension takes place during the session of Congress, this shall grant such authorization as they shall deem necessary to enable the Executive to confront the circumstances. If it shall take place during recess, the permanent deputation shall, without delay, convoke the Congress for its advice and action.

TITLE 3, SECTION 1, PARAGRAPH 3, ART. 72.

30th.—Congress has the power of making all laws which may be necessary and proper to render effective the foregoing powers, and all others conceded by the Constitution to the powers of the Union.

TITLE 8, ART. 128.—This constitution shall not lose its force and vigor, even if its observance be interrupted by any rebellion. In case that by means of such an event a govern-

ment shall have been established contrary to the principles which it sanctions, immediately upon the people recovering their liberty its observance shall be re-established, and according to its provisions and the laws which have been framed in virtue of it, shall be judged, as well those who have figured in the government emanating from the rebellion, as those who have co-operated with it.

LAW OF MAY 3, 1862.

DEPARTMENT OF FOREIGN RELATIONS }
AND OF GOVERNMENT. }

Benito Juarez, Constitutional President of the United Mexican States, to the inhabitants of the same maketh known: That the Congress of the Union has thought proper to decree the following:—

ARTICLE 1. The suspension of guarantees established by the law of 11th December, 1861, is hereby continued.

ART. 2. The Executive is again authorized, in the terms prescribed in the said law, with the limitations therein established, and besides that of not intervening in matters of a judicial order commenced, or that may be pursued, between private individuals.

ART. 3. The suspension of guarantees and the authorization to the Executive spoken of in this law shall continue until the meeting of Congress, on the 16th of September next; and if then its meeting shall be impossible, by reason of the foreign war, or from the elections not having taken place, they shall continue until the next first meeting of Congress shall take place.

ART. 4. In case that the regular elections of members of Congress cannot take place in certain of the districts on the days prescribed by law, the government will take care to designate other periods, in order that the meeting of Congress may take place at the earliest possible moment.

ART. 5. The Executive will give an account of the use that he may make of the faculties and powers conceded to him by this law within the first fifteen days after the meeting of the national Congress.

Dated in the Hall of Sessions of the Congress of the Union,
Mexico, May 3, 1862.

JOSE LINARES,
President of Congress.

REMIGIO IBANEZ, M. M. OVANDO,
Secretaries.

Wherefore I order that it be printed, circulated and due compliance be given to it.

NATIONAL PALACE OF MEXICO, May 3, 1862.

BENITO JUAREZ.

To the Citizen MANUEL DOBLADO, Minister of Foreign Relations and of Government.

And I communicate the same to you for your knowledge and the consequent ends.

God and Liberty—MEXICO, May 3, 1862.

DOBLADO.

To the CITIZEN GOVERNOR of the Federal District.

LAW OF OCTOBER 27, 1862.

DEPARTMENT OF FOREIGN RELATIONS }
AND OF GOVERNMENT. }

The Citizen President of the Republic has thought proper to transmit to me the following decree:—The citizen Benito Juarez, Constitutional President of the United Mexican States, to the inhabitants of the same maketh known:—That the Congress of the Union has thought proper to decree the following:

ART. 1. The dispositions contained in articles 1 and 2 of the law of May 3 last, are declared in full force.

ART. 2. The suspension of guarantees and the authorizations conceded to the Executive by the present law will last six months; provided that peace with France is not re-established before the end of that period. If the war should last more than six months, said suspension and authorization will last until thirty days after the reassembling of Congress.

ART. 3. The Executive will give an account of what use he has made of these faculties within fifteen days after the authorizations have ceased.

ART. 4. It is declared that the Executive has no faculty to interfere nor to decide in civil affairs between private per-

sons, or in criminal cases in which offence of private rights is only involved.

ART. 5. In the powers granted by this decree is not included that of contravening in any way the provisions of title four of the constitution [regarding the responsibility of public functionaries.]

Given in the Hall of Sessions of the Congress of the Union in Mexico, October 27, 1862.

JOSE GONZALES ECHERVARIA.

President of Congress.

FELIX ROMERO, JOAQUIN M. ALCALDE,

Secretaries.

Wherefore I order that it be printed, published and carried into effect.

NATIONAL PALACE OF MEXICO, October 27, 1862.

BENITO JUAREZ.

To the citizen JUAN ANTONIO DE LA FUENTE, Minister of Foreign Relations and of Government.

And I communicate the same to you for your information and the consequent ends.

Liberty and Reform—MEXICO, October 27, 1862.

FUENTE.

To the CITIZEN GOVERNOR of the Federal District.

LAW OF MAY 27, 1863.

DEPARTMENT OF FOREIGN RELATIONS }
AND OF GOVERNMENT. }

The Citizen President of the Republic has been pleased to address to me the following decree :—Benito Juarez, Constitutional President of the United Mexican States, to the inhabitants of the same maketh known: That the Congress of the Union has been pleased to decree the following :—

ART. 1. The suspension of individual guarantees, ordained by the law of 27th October, 1862, and the concession of powers, which, by the said law, was made to the Executive, is hereby extended until thirty days after the next meeting of Congress in ordinary session, or before, if the war with

France is terminated ; continuing also in force the conditions and restrictions imposed upon the Executive by the aforesaid law.

ART. 2. In what relates to treaties, agreements or diplomatic conventions that the government may conclude, it is understood that it shall not admit any kind of intervention.

Dated in the Hall of Sessions, of the Congress of the Union, in Mexico, May 27, 1863.

S. LERDO DE TEJADA,
President of Congress.

FRANCISCO BUSTAMANTE, M. M. OVANDO,
Secretaries.

Wherefore I order that it be printed, published and observed.

NATIONAL PALACE OF MEXICO, May 27, 1863.

BENITO JUAREZ.

To the Citizen JUAN ANTONIO DE LA FUENTE, Minister of Foreign Relations and of Government.

And I communicate the same to you for the consequent ends.

Liberty and Reform—MEXICO, May 28, 1863.

FUENTE.

To the CITIZEN GOVERNOR of the Federal District.

DECREE OF PRESIDENT JUAREZ EXTENDING HIS TERM OF OFFICE.

DEPARTMENT OF FOREIGN RELATIONS AND OF }
GOVERNMENT, PASO DEL NORTE, NOV. 8, 1865. }

The Citizen President of the Republic has been pleased to address to me the following decree:—

Benito Juarez, Constitutional President of the United Mexican States, to the inhabitants of the same maketh known:—In accordance with the ample faculties conferred upon me by the National Congress by its decrees of December 11, 1861, May 3, and October 27, 1862, and May 27, 1863, and in consideration—

First—That in articles seventy-eight, seventy-nine, eighty and eighty-two of the Federal Constitution—the only articles

which treat of the period of the functions of the President of the Republic and of the mode of supplying his place—the case only was anticipated of the possibility of holding a new election for President, and the actual fact of none being held, without any provision for the case of a war like the present, in which, while the enemy occupies a great part of the national territory, it is impossible that general elections should be held at the ordinary stated times assigned for them.

Second—That in the said articles of the Constitution in order to supply a vacancy in place of President of the Republic, provision is made for entrusting the executive power to the President of the Supreme Court of Justice; but only temporarily, in this one case that was anticipated, that a new election might as soon as possible be held.

Third—That, as it is impossible now to have an election on account of the war, the fact of the President of the Supreme Court of Justice entering upon the duties of the government for an indefinite period would imply a prolongation and extension of his powers beyond the literal prescriptions of the Constitution.

Fourth—That by the supreme law of the necessity of the preservation of the government, the continuance in the present case of the powers of the President and of his substitute is the most conformable to the Constitution; because in order to avoid the danger of leaving the government without a head, it was established that there should be two functionaries, of whom one could supply the place of the other; and because, conformably to the votes of the people, the President of the Republic was elected primarily and directly to exercise the functions of government, while the President of the Supreme Court was elected primarily and directly to exercise judicial functions, the executive power being entrusted to him only secondarily and provisionally, in case of absolute necessity.

Fifth—And, considering that as the present case has not been provided for in the Constitution, the right of declaring what is most conformable to its spirit and prescriptions belongs exclusively to the legislative authority, which, by the law of the 11th of December, 1861, confirmed by other re



peated votes of confidence of the national Congress, was delegated to the President of the Republic in order that, without being subject to ordinary constitutional rules, he might be invested with plenary power to make whatever regulations he might judge convenient, under the present circumstances, without other restrictions than those of saving the independence and the integrity of the national territory, the form of government established by the Constitution and the principles and laws of Reform."

I have thought proper to decree as follows:—

ARTICLE 1. In the present state of war, the functions of the President of the Republic ought to be, and they are hereby, continued for the time that may be necessary beyond the ordinary constitutional period, until the government can be transferred to the new President that may be elected as soon as the condition of the war may permit an election to be constitutionally held.

ART. 2. Similarly, the powers of the person who holds the position of President of the Supreme Court of Justice, should be, and they are hereby, continued for the time necessary, beyond the ordinary period, in order that, in case the President of the Republic should fail, he may be able to take his place.

Wherefore it is ordered that this decree be printed, published, circulated, and have due faith given to it.

Given at Paso del Norte on the eighth day of November, one thousand eight hundred and sixty-five.

BENITO JUAREZ.

To SEBASTIAN LERDO DE TEJADA, Minister of Foreign Affairs and of Government.

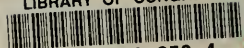
And I communicate the same to you for your information and that it may have due effect.

Independence and Liberty—PASO DEL NORTE, November 8, 1865.

LERDO DE TEJADA.

NOTE.—For copy of the Constitution of Mexico see 1st vol. Dip. Cor. on Mexican affairs, II. R., April 14, 1862, p. 140.

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